

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 663

BY EDUCATION COMMITTEE

AN ACT

RELATING TO COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 33-2106, IDAHO CODE, AS AMENDED BY SECTION 50, CHAPTER 341, LAWS OF 2009, TO PROVIDE REQUIREMENTS FOR ESTABLISHING COMMUNITY COLLEGE SUBDISTRICTS, TO REVISE THE COMMUNITY COLLEGE TRUSTEE ELECTION DATE, TO PROVIDE REQUIREMENTS FOR FILLING CERTAIN VACANT POSITIONS, TO PROVIDE THAT CERTAIN INCUMBENT TRUSTEES MAY SERVE UNTIL HIS OR HER TERM EXPIRES; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-2106, Idaho Code, as amended by Section 50, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS -- FORMATION OF SUBDISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) school electors residing in the district who shall be appointed or elected as herein provided.

(a) Immediately following the establishment of a community college district, the state board of education shall appoint the members of the first board, who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to terms of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms.

(2) Community college districts shall be divided into subdistricts as follows:

(a) Before the November 2014 trustee election, community college districts that have been formed prior to the effective date of this act and that are situated within one (1) county shall be divided into five (5) subdistricts as nearly equal in population as practicable. Any community college district that is formed after the effective

1 date of this act and is situated within one (1) county shall be so  
2 divided immediately upon formation. The county clerk of the county in  
3 which such community college district is located shall cooperate with  
4 the board of trustees of such district in establishing subdistricts  
5 pursuant to the provisions of this subsection. At the trustee election  
6 held in November 2014, and in each trustee election thereafter, one (1)  
7 trustee shall represent each subdistrict and shall be a resident of the  
8 subdistrict he or she represents, except as provided in subsections  
9 (3) and (8) of this section. All trustees of such subdistricts shall  
10 be elected at large within the community college district. Such  
11 subdistricts may be revised or modified as changes in conditions demand  
12 and shall be revised or modified at least once every ten (10) years.

13 (b) Before the November 2014 trustee election, community college  
14 districts that have been formed prior to the effective date of this act  
15 and that are situated within two (2) or more counties shall be divided  
16 into subdistricts equal in number to the number of counties in which the  
17 community college district is situated. Any community college district  
18 formed after the effective date of this act and that is situated within  
19 two (2) or more counties shall be so divided immediately upon formation.  
20 The county clerk of each county in which a community college district  
21 is located shall cooperate with the board of trustees of such district  
22 in establishing subdistricts pursuant to the provisions of this  
23 subsection. At the trustee election held in November 2014, and in each  
24 trustee election thereafter, at least one (1) trustee shall represent  
25 each such county subdistrict and shall be a resident of the county  
26 subdistrict he or she represents, except as provided in subsection (3)  
27 of this section. Trustees of such county subdistricts shall be elected  
28 at large within the county subdistrict in which the trustee resides.

29 (3) Elections of trustees of community college districts shall be  
30 biennially in ~~May~~ November of ~~odd~~ even-numbered years. Vacancies on the  
31 board of trustees shall be filled by appointment by the remaining members,  
32 but if by reason of vacancies there remain on the board less than a majority  
33 of the required number of members, appointment to fill such vacancies shall  
34 be made by the state board of education. Any person so appointed shall  
35 serve until the next trustee election, at which time his successor shall be  
36 elected for the unexpired term. In the event that no candidate seeks to fill  
37 a position in a subdistrict, such position shall be deemed vacant and shall  
38 be filled by appointment by the remaining members. The trustees shall take  
39 and subscribe the oath of office required in the case of state officers and  
40 said oath shall be filed with the secretary of state.

41 (34) Notice of the election, the conduct thereof, the qualification of  
42 electors and the canvass of returns shall be as prescribed in chapter 14,  
43 title 34, Idaho Code.

44 (45) The person or persons, equal in number to the number of trustees  
45 to be elected for regular or unexpired terms, receiving the largest number  
46 of votes shall be declared elected. An individual shall be a candidate  
47 for a specific position of the board and each candidate must declare which  
48 position he seeks on the board of trustees. If it be necessary to resolve a  
49 tie between two (2) or more persons, the board of trustees shall determine  
50 by lot which thereof shall be declared elected. The clerk of the board shall

1 promptly notify any person by mail of his election, enclosing a form of oath  
2 to be subscribed by him as herein provided.

3 ~~(56)~~ At its first meeting following the appointment of the first board  
4 of trustees, and at the first regular meeting following any community  
5 college trustee election, the board shall organize, and shall elect one (1)  
6 of its members chairman, one (1) a vice-chairman; and shall elect a secretary  
7 and a treasurer, who may be members of the board; or one (1) person to serve as  
8 secretary and treasurer, who may be a member of the board.

9 ~~(67)~~ The board shall set a given day of a given week in each month as  
10 its regular meeting time. Three (3) members of the board shall constitute a  
11 quorum for the transaction of official business.

12 ~~(78)~~ Notwithstanding the provisions of subsection (2) of this section,  
13 an incumbent trustee serving an unexpired term in November 2014 may serve  
14 as trustee until his or her term expires. Thereafter, trustees shall be  
15 residents of the community college subdistrict they represent, except as  
16 provided in subsection (3) of this section.

17 ~~(9)~~ The authority of trustees of community college districts shall be  
18 limited in the manner prescribed in section 33-507, Idaho Code.

19 SECTION 2. This act shall be in full force and effect on and after  
20 January 1, 2011.